



Crl.M.P.Nos.24174 & 24176 of 2025
in Crl.R.C.No.2770 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.24174 & 24176 of 2025

in

Crl.R.C.No.2770 of 2025

Tirupathi

...Petitioner

-vs-

State Rep by
The Inspector of Police,
AWPS Tirupattur,
Tirupattur District.

...Respondent

PRAYER in Crl.M.P.No.24174 of 2025: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate No.III, Tirupattur, in C.C.No.17 of 2011 dated 24.02.2022 and confirmed the order passed by the learned District and Sessions Judge, Tirupattur District, in C.A.No.18 of 2011 dated 10.11.2025, pending disposal of the above criminal revision.

PRAYER in Crl.M.P.No.24176 of 2025: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner from surrender before the learned Judicial Magistrate No.III, Tirupattur, in C.C.No.17 of 2011 on account of dismissal of the C.A.No.18 of 2022 order passed by the learned District and Sessions Judge, Tirupattur District dated 10.11.2025.



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For Petitioner : Mr.N.Sudharsan
For Respondent : Dr.C.E.Pratap,
Government Advocate (Crl.Side)

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned District and Sessions Judge, Tirupattur District, in C.A.No.18 of 2022 dated 10.11.2025, confirming the judgment of the learned Magistrate in C.C.No.17 of 2011, convicting the petitioner for the following offences:

Accused	Conviction under Sections	Sentence awarded
A1	498(A) IPC	To undergo simple imprisonment for six months and to pay a fine of Rs.2,000/- and in default to undergo simple imprisonment for one month.
	494 IPC	To undergo simple imprisonment for one year and to pay a fine of Rs.2,000/- and in default to undergo simple imprisonment for one month.



2. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.

3. The gist of the allegation is that the petitioner had committed cruelty in connection with a dowry demand; and that the petitioner (A1) married A4 at the instigation of A2 and A3, when the marriage between him and the de facto complainant was in subsistence; and hence the petitioner committed the aforesaid offences.

4. The learned counsel for the petitioner would submit that the petitioner had raised substantial grounds in the appeal; and that A4, who is said to have married the accused, was acquitted of the offence under Section 494 of IPC; and that therefore, the conviction of the petitioner is erroneous as matrimonial differences were projected as a case of cruelty under Section 498-A IPC and that



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hence, the judgments of the Trial Court as well as the Appellate Court are liable to be set aside, and prayed for suspension of sentence.

5. Heard the learned Government Advocate (Crl.Side), who submitted that the Trial Court and the Appellate Court had on appreciation of evidence were justified in convicting the petitioner and there is no reason to interfere in the findings.

6. Considering the submissions made on either side; and on perusal of the records, this Court is of the view that the petitioner has raised substantial grounds in the revision; and has made out a *prima facie* case for suspension of sentence. Hence, this Court is inclined to suspend the sentence imposed on the petitioner and exempt him from surrendering before the Trial Court, subject to the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tirupattur, Tirupattur District;



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(ii)The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii)The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered

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SUNDER MOHAN, J.

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To

- 1.The District and Sessions Judge, Tirupattur District.
- 2.The Judicial Magistrate No.III, Tirupattur.
- 3.The Public Prosecutor,
High Court, Madras.

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